

MINUTE ORDER

CASE NUMBER: Civ. No. 14-00217 HG-KSC

CASE NAME: Cara Barber; Melissa Jones; Melissa Streeter; Katie Eckroth; Bob Barber; Tim Jones; Ryan Eckroth v. Ohana Military Communities, LLC; Forest City Residential Management, Inc.

ATTYS FOR PLA: Patrick Kyle Smith, Esquire
Terrance Revere, Esquire

ATTYS FOR DEFT: Lisa W. Munger, Esquire
Randall C. Whattoff, Esquire
Christine A. Terada, Esquire

JUDGE: Helen Gillmor

DATE: September 20, 2016

On September 9, 2016, Defendants filed:

DEFENDANTS OHANA MILITARY COMMUNITIES, LLC AND FOREST CITY RESIDENTIAL MANAGEMENT, INC.'S MOTION TO (1) CONTINUE MEDIATION AND/OR (2) UNSEAL THE ORDER GRANTING, IN PART, DEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION FOR THE LIMITED PURPOSE OF PROVIDING THE ORDER TO THE MEDIATOR. (ECF No. 355).

The requested action relates to mediations in which Plaintiff's attorneys represent other tenants of the Defendants.

On September 13, 2016, Plaintiff filed:

PLAINTIFF CARA BARBER'S OPPOSITION TO DEFENDANTS' MOTION: (1) TO CONTINUE MEDIATION AND/OR UNSEAL THE ORDER GRANTING, IN PART, DEFENDANTS MOTION FOR PRELIMINARY INJUNCTION FOR THE LIMITED PURPOSE OF PROVIDING THE ORDER TO THE MEDIATOR. (ECF No. 359).

The contract between Defendants Ohana Military Communities, LLC and Forest City Residential Management, Inc. and the tenants, which were the subject of the

mediations in question, reads as follows:

Mediation. Owner and Resident agree to mediate any dispute or claim arising between them out of this Lease, before resorting to court action.

(Ohana Military Communities, LLC and Forest City Residential Management, Inc. Lease Agreement, ECF No. 16-2).

On September 15, 2016, Plaintiff filed:

NOTICE THAT DEFENDANTS' MOTION: (1) TO CONTINUE AND/OR UNSEAL THE ORDER GRANTING, IN PART, DEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION FOR THE LIMITED PURPOSE OF PROVIDING THE ORDER TO THE MEDIATOR IS MOOT. (ECF No. 362).

Plaintiff's Notice attached a September 14, 2016, e-mail from the mediator. The e-mail stated that:

"after private discussions with both parties during the mediation I have determined that this matter is at impasse." (E-mail from Keith Hunter dated September 14, 2016, attached as Ex. 1 to Pla.'s Notice, ECF No. 362-1). The parties in question are the Defendants and tenants represented by the Plaintiff's attorneys.

Plaintiff's filing indicates that she considers Defendant's Motion to Continue and/or Unseal (ECF No. 355) to be **MOOT**. (Pla.'s Notice at p. 2, ECF No. 362).

On September 16, 2016, Defendants filed:

DEFENDANTS OHANA MILITARY COMMUNITIES, LLC AND FOREST CITY RESIDENTIAL MANAGEMENT, INC'S REPLY TO PLAINTIFF CARA BARBER'S OPPOSITION TO DEFENDANTS' MOTION TO (1) CONTINUE MEDIATION AND/OR (2) UNSEAL THE ORDER GRANTING, IN PART, DEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION FOR THE LIMITED PURPOSE OF PROVIDING THE ORDER TO THE MEDIATOR. (ECF No. 363).

In their filing, Defendants indicate their agreement with Plaintiff that their Motion to Continue and/or Unseal (ECF No. 355) is **MOOT**. (Def.'s Reply at p. 2, ECF No. 363).

The Motion before the Court:

DEFENDANTS OHANA MILITARY COMMUNITIES, LLC AND FOREST CITY RESIDENTIAL MANAGEMENT, INC.'S MOTION TO (1) CONTINUE MEDIATION AND/OR (2) UNSEAL THE ORDER GRANTING, IN PART, DEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION FOR THE LIMITED PURPOSE OF PROVIDING THE ORDER TO THE MEDIATOR (ECF No. 355)

is **DENIED AS MOOT.**

Submitted by: Leslie Sai, Courtroom Manager